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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/650,355

Applicant(s)

BASSO ET AL.

Examiner

SON P. HUYNH

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Page No(s)/Mail Date 10/10/07.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/07/2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that any communication of Chen and Slezak would be modifying or redesigning Chen such that the video album no longer exists because it is a fundamental teaching of Slezak that there be a movie playing while advertising occurs. This fact would lead one of skill in the art away from combining their teachings (page 5), the Examiner respectfully traverses.

It is noted that the office action mailed 10/5/2007 indicates "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan in view of Chen to use the teaching as taught by Slezak" (page 7, lines 19-22) which means that combining the teaching of "multimedia input from subscribers, and deriving virtual camera scripts from the image data" of Chen with Sezan system, and further combination of the teaching of inserting a customized advertisement during the multimedia presentation, wherein the inserted customized advertisement includes an offer of an award to a user contingent, at least partly, on a user interaction with the customized advertisement (office action, pages 5-7). The office action does not indicate

the combination of the system or the teaching of Slezak with system of Chen. In addition, the references of Sezan, Chen, and Slezak all disclose the system for receiving video content from video source and the video content information, processing these content for storing/displaying to viewer (see include, but are not limited to, Sezan: figures 2, 13-121, col. 7, lines 50-67, col. 12, lines 27-47; Chen: figures 1, 2, 7-8, col. 2, lines 1-37; Slezak: figures 1, 4, 7, 9, col. 4, line 1-48). All the elements as claimed are known in Sezan, Chen, and Slezak. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine elements as taught by Chen and elements as taught by Slezak with Sezan's system in order to yield predictable result as discussed in the office action (pages 6-7, 16).

For the reasons given above, rejections on claims 1-8, 10-28 are analyzed as discussed below.

Claims 9 and 29-30 have been canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 8, 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 6,236,395, in view of Chen et al. (US 6,307,550) and further in view of Slezak (US 6,006,257).

Regarding claim 1, Sezan teaches a method for generating a customized coded video sequence based on a subscriber's input (user information scheme and system description scheme— figure 1 and col. 5, line 37-col. 6, line 22), comprising:

receiving multimedia input that includes image data (receiving multimedia input 38 that includes image data – figure 2);

extracting the image data from the multimedia input (by audiovisual program analysis module 42 – figure 2 and col. 8, lines 10-29);

deriving virtual camera scripts and coding hint from the image data (program description scheme – col. 4, line 40-col. 5, line 35, col. 12, lines 28-47);

Sezan further discloses providing multimedia data based on a combination of a program description scheme, a user description scheme and a system description scheme (figures 1-2 and col. 29, lines 7-45). Necessarily, the method comprising: generating a video sequence based on the subscriber's input (user description scheme), the extracted image data, and the derived virtual camera scripts and coding hints (program description scheme and system description scheme);

coding the generated video sequence based on the coding hints (e.g. repackage the content and description schemes in different styles, times, and formats based on system capabilities – col. 7, lines 30-49);

outputting the customized coded video sequence to an output device as a multimedia presentation (e.g. outputting user selected video sequence on display 80-figure 2). Sezan also discloses program 38 may originate at any suitable source, such as digital video disc, still images, video cameras, video tape, etc. (col. 7, lines 56-67). However, Sezan does not explicitly disclose multimedia input from the subscriber, inserting a customized advertisement during the multimedia presentation, wherein the inserted customized advertisement includes an offer of an award to a user contingent, at least partly, on a user interaction with the customized advertisement.

Chen discloses multimedia input from subscriber, and deriving virtual camera scripts from the image data (col. 2, lines 1-55, and col. 5, lines 6-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan to use the teaching as taught by Chen in order to provide multimedia input from subscriber to an output device thereby improve efficiency in multimedia data generating. Neither Sezan nor Chen explicitly discloses inserting a customized advertisement during the multimedia presentation, wherein the inserted customized advertisement includes an offer of an award to a user contingent, at least partly, on a user interaction with the customized advertisement.

Slezak discloses outputting the customized coded video sequence to an output device as a multimedia presentation (outputting customized primary programming and secondary programming i.e. advertising to TV 502 as multimedia presentation (col. 2, lines 23-52, figure 1);

Slezak also discloses once the user selected to view the movie with secondary programming, customized secondary programming (advertising) is inserted/interleaved during the movie/primary program presentation— see col. 2, lines 15-52, col. 4, lines 15-29, col. 6, lines 38-45). Thus, the limitation “inserting a customized advertisement during the multimedia presentation” is interpreted as interleaving customized secondary programming (i.e. advertising) during the movie/primary program presentation.

Slezak further discloses the advertisement can be change based upon viewer's response to the questions presented during the interactive advertising. The secondary programming can be an interactive presentation requesting input from the viewer. For example, the viewer could be prompted to indicate whether, in fact, the viewer desires to see the secondary programming (i.e., advertising). The user response to the message whether the viewer wishes to receive the movie for free, with a lot of advertising, for half the price with minimal advertising, or for full price with no advertising. Further, the overlay processing unit can be used during the advertising programming segments to take an order for the advertised product, request input from the viewer regarding the viewer's responses to the advertising, the desirability for further advertising regarding the product shown during the advertising radio programming, or other demographic information. The secondary video programming can also be

contingent upon commands received from the set top unit – see include, but are not limited to, col. 4, lines 5-34, col. 8, lines 17-45, col. 9, line 36-43, col. 10, line 19-20). Therefore, the limitation “the inserted customized includes an offer of an award to a user contingent, at least partly, on a user interaction with the customized advertisement” is interpreted as the customized secondary programming includes an offer of an award (half price of the charge or no charge or any reduced cost) to the viewer contingent, at least partly, on any of user interaction with the customized secondary programming such as the viewer input that the viewer wishes to view the secondary programming, viewer request secondary programming, or user response to the advertising. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan in view of Chen to use the teaching as taught by Slezak in order to improve efficiency in advertising.

Regarding claim 2, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 1. Sezan further teaches receiving preference information from one of the subscriber (col. 5, line 36-col. 6, line 22); storing the preference information in a subscriber profile (e.g. user information 48, system information 46 – figures 1- 2 and col. 8, lines 60-67); and generating the video sequence based on the subscriber's profile (output video based on user description scheme and system description scheme– col. 8, lines 30-67).

Regarding claim 3, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 2. Sezan further discloses the user description scheme includes user's personal preferences, device setting history, etc. (col. 5, lines 36-46). The system description scheme manages the individual programs and other data; The management may include the capabilities of a device for providing the audio, video, and/or images. Such capabilities may include, for example, screen size, stereo, DTS, color, etc. (col. 6, lines 22-37). Thus, the subscriber profile includes device characteristics.

Regarding claim 4, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 3. Sezan further discloses user description scheme includes device setting history (col. 5, lines 36-46, col. 11, lines 14-22). Necessarily, the format settings include at least one of text font setting, text style setting, and display settings.

Regarding claim 5, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 3. Sezan further teaches the coding preferences (e.g. key frames, segment definitions between shots, etc. col. 4, line 40-col. 5, line 35) are used as coding hints and include at least one of audio coding preferences and visual coding preferences (col. 4, line 40-col. 5, line 35).

Regarding claim 6, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 3. Sezan further discloses user description scheme includes user's viewing history such as for example browsing history, filtering history, searching

history, device setting history, etc. The user's personal preferences include personal information about the particular user, such as demographic and geographic information; program interest to user, viewing habit of the user, display contrast and volume control, etc. (col. 11, lines 7-22). Necessarily, the handicap settings include at least one of visual enhancement settings and audio enhancement setting (for example, the user set to display closed caption, display information of interest program, level of volume, etc.).

Regarding claim 7, Sezan in view of Chen and Slezak discloses a method as discussed in the rejection of claim 3. Sezan further discloses the user description scheme may include radio station preselected frequencies and/or types of stations (col. 7, lines 5-10). The program 38 may originate at any suitable source, such as Internet broadcast, World Wide Web, laser disc, digital video disc, etc. (col. 7, line 56-col. 8, line 3). Necessarily, the storage address of image data include at least one of computer image file, an image database, a Web page address, a URL, a floppy disk, a CD ROM.

Regarding claim 8, Sezan in view of Chen and Slezak teaches a method as discussed in the rejection of claim 2. Chen further discloses the user may be prompted to pay a fee for initial processing, a fee for each still image selected, or a combination of an initial processing and an image selection fee (col. 3, lines 1-7). Apparently, the subscriber's profile includes billing information. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan to use the teaching as further taught by Chen in order to give user more convenience.

Regarding claim 10, Sezan in view of Chen and Slezak teaches a method as discussed in the rejection of claim 2. Chen further discloses the coded video sequence output includes one or more images based on the storage addresses of image data from the subscriber's profile (figure 7 and col. 2, lines 15-36).

Regarding claim 11, Sezan in view of Chen and Slezak teaches a method as discussed in the rejection of claim 2. Sezan further discloses the user start interacting with the system with a pointer or voice commands to indicate a desire to view a program (col. 9, lines 53-67). Necessarily, the subscriber provides multimedia data input and preference information to the input unit using at least one of an interactive voice response system, voice recognition system, a keyboard, a personal computer, a wireless communication device.

Regarding claim 12, Sezan further discloses the system description scheme includes capabilities of the device (col. 6, lines 23-37). Thus, the subscriber's profile includes information about the display devices owned by the subscriber.

Regarding claim 13, Sezan teaches the coded video sequence output is customized for at least one of the devices included in the subscriber's profile (col. 7, lines 30-45).

Regarding claim 14, Sezan discloses the generation module 44 and the analysis module 42 provide data to a data storage unit 50 (col. 9, lines 5-8). The selections of the desired program(s) to be retrieved, stored, and/or viewed may be programmed (col. 9, lines 20-22). Thus, the extracted image data is stored in an image data database (e.g. database in storage unit 50). Sezan further discloses the program related information may be extracted from the data stream including the program 38 or obtained from any other source, such as for example data transferred over a telephone line, data already transferred to the system 16 in the past, or data from an associated file. However, Sezan does not specifically disclose storing virtual camera scripts in a virtual camera scripts database, coding hints in a coding hints database. Official Notice is taken that storing different data in different database is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan and Chen and Slezak to use the well-known teaching in the art of storing data in different database in order to efficiently manage the data.

Regarding claim 15, Sezan discloses the selections of the desired program(s) to be retrieved, stored, and/or viewed may be programmed, through a graphical user interface (col. 9, lines 20-25). The user starts interacting with the system with a pointer or voice commands to indicate a desire to view recorded sporting programs (col. 9, lines 54-67). Thus, the method comprising receiving one or more input commands from a user, wherein at least one of the steps of extracting, deriving, generating, coding and outputting are performed based on the user's input commands.

Regarding claim 16, Sezan teaches the image data include image data from at least one of images, a series of still frames, panorama images, web pages (figure 2 and col. 7, lines 55-67).

Regarding claim 17, Sezan discloses the program views defines logical structures of the frames of a video that define how the video frames are potentially to be viewed suitable for efficiency browsing. The program profiles define distinctive characteristics of the content of the program (col. 4, line 40-col. 5, line 30). Thus, the virtual camera scripts include at least one of a sliding window of resolution, a document browsing simulation, a general composition of images, and synthesized videos from a set of images, a panorama synthesis, and parallax techniques.

Regarding claim 18, Sezan disclose individual shot of scenes, a key frame view as a part of a program providing multiple levels of summary ranging from coarse to fine. The program profile includes texture profile, shape profile, motion profile, etc. (col. 4, line 40-col. 5, line 36). Program description scheme of a particular program and system description scheme of the viewing system are utilized to present the appropriate views to the viewing system. The content provider repackage the content and description scheme in different styles, time, formats, etc. based on the system capabilities (col. 7, lines 16-49). Necessarily, the coding hints include at least one of motion information

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used to generate a sequence of frames, temporal evolution of each frame, and coding parameters for each image.

Regarding claim 19, Sezan discloses the content is generated in the format, styles, time, rendering, etc. based on system capabilities such as screen size, color, etc., program description and user description (col. 6, line 23-col. 7, line 49). Furthermore, Chen discloses analyzing the processed sequence of video frames to identify sub-pixel motions between the frames. The user can zoom in or out on different regions of the image, pan about a panoramic image or combination of pan and zoom (col. 8, lines 10-43). Necessarily, the generating step uses a rendering plug in to decode portions of the image data into pixel maps.

Regarding claim 20, Sezan teaches the generating step uses addresses (sources of program, types of stations, etc. col. 4, line 40-col. 5, line 32, col. 7, lines 5-67) to generate an image sequence.

Regarding claim 21, Sezan discloses program 38 may originate at any suitable source, such as for example Internet broadcasts, world wide web, etc. (col. 7, lines 55-67). Necessarily, the addresses include URLs (for access to world wide web).

Regarding claim 22, Sezan teaches the generating step generates the video sequence from more than one multimedia source (figure 2 and col. 7, lines 50-67).

Regarding claim 23, Sezan teaches the multimedia sources include at least one of television, cable TV, Interactive TV, Internet, telephone, computer generated images, wireless communications, photographs and electronically stored still images (figure 2 and col. 7, lines 50-67).

Regarding claim 24, Chen further teaches receiving an audio input (audio track) corresponding to the generated video sequence (col. 5, lines 5-22).

Regarding claim 25, Chen teaches synchronizing the audio input with the generated video sequence (col. 5, lines 5-22).

Regarding claim 26, Sezan in view of Chen and Slezak teaches a method as discussed in the rejection of claim 1. Chen further discloses the video is input from subscriber and stored in storage before it is retrieved to process (col. 2, lines 15-36). Text annotations of the video may be generated automatically based on the corresponding audio track (col. 2, lines 46-48, col. 5, lines 3-9). The sound icon may be associated with the images in the video album. When a viewer clicks the sound icon 55, a portion of the audio track that corresponds to the video segment used to generate still image is played (col. 5, lines 9-22). Necessarily, the audio input is received from the subscriber, the audio input stored as at least one of a computer file and an address; the subscriber's

audio input is stored in the subscriber's profile; the subscriber's audio input is retrieved; and subscriber's audio input is output in conjunction with the generated video sequence.

Regarding claim 27, Sezan in view of Chen and Slezak teaches a method as discussed in the rejection of claim 1. Chen further teaches the coded video sequence is output using scrolling techniques (col. 5, lines 23-37). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sezan in view of Chen and Slezak to use the teaching as further taught by Chen in order to improve convenience to user.

Regarding claim 28, Slezak discloses inserting customized advertisement during the multimedia presentation as discussed in the rejection of claim 1. Slezak further discloses the inserted customized advertisement is personalized to a user (based on user preferences such as user demographics and shopping references – col. 3, line 45- col. 4, line 48; col. 6, line 40-46).

Regarding claim 30, the limitations that correspond to the limitations of claim 1 are analyzed as discussed with respect to the rejection of claim 1.

For the additional limitation of "advertisement is personalized to include a name of the subscriber", Slezak does not explicitly disclose this limitation. However, since discloses the secondary programming can be tailored to a viewer's level of knowledge, information regarding to each of the subscribers, including demographics, network address and other related information (col. 4, lines 14-28, col. 5, lines 16-21), it would

have been obvious to one of ordinary skill in the art to include to subscriber name or any subscriber's identification information in the personalized product or service for the subscriber in order to promote a perception of personal attention directed by the provider/advertiser, the subscriber may be more inclined to select the marketed product or service.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Freeman et al. (US 7,079,176 B1) discloses digital interactive system for providing full interactivity with live programming events.

DeWeese (US 2005/0262542 A1) discloses television chat system.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2623